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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,084	06/06/2001	Ryuji Ishiguro	KOIK-T0343	4477
22850	7590	11/29/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DADA, BEEMNET W	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/701,084	ISHIGURO ET AL.
	Examiner Beemnet W. Dada	Art Unit 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 September 2005.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-8 and 53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-8 and 53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. The request filed on September 06, 2005 for a request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application 09/701,084 is acceptable and an RCE has been established. Claims 6-8 and 53 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 6-8 and 53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatebayashi et al US Patent 6,028,937 (hereinafter Tatebayashi) in view of Tatebayashi et al US Patent 6,034,618 (hereinafter Tatebayashi\_618).

5. As per claims 6-8, Tatebayashi teaches an information processing apparatus for reciprocal authentication (i.e., two-way authentication, challenge-response format, column 4, lines 39-48) with another information processing apparatus to execute pre-set processing, comprising:

a receiving means for receiving a random number as challenge data from said another information processing apparatus [column 9, lines 24-34];

a selection means for selecting the processing for reciprocal authentication from one or more reciprocal authentication procedures in keeping with said pre-set processing (i.e., according to a first encryption/decryption algorithm using authentication key) [column 9, lines 35-44 and 49-61];

a reciprocal authentication means units for executing the selected reciprocal authentication procedures by said selection means based on the random number [column 9, line 63 – column 10, line 19 and column 10, lines 47-67]; and

key creation means for establishing a common key shared (i.e., generating random number for the shared key K) with said another information processing apparatus based on the random number [column 10, lines 7-15 and 47-67]. Tatebayashi is silent on receiving means for receiving a key category from another information processing apparatus. However, such feature is old and well known in the art which has the advantage of allowing flexible use of multiple functions for authentication purposes thereby enhancing the security of the system. For example within the same field of endeavor Tatebayashi\_618 teaches a reciprocal device authentication system including receiving means for receiving a key category (i.e., verification function numbers I & k) from another information processing apparatus and key creation and authentication means based on the key category [column 10, lines 50-65, column 13, line 54 – column 14, line 54]. One of ordinary skill in the art would have been able to substitute the key category of Tatebayashi\_618 with the challenge data of Tatebayashi in order to further enhance the security of the system. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Tatebayashi\_618 within the system of Tatebayashi in order to further enhance the security of the system.

6. As per claim 53, Tatebayashi teaches an information furnishing medium connected over a network to a preset information processing apparatus, comprising:

receiving unit configured to receive a random number as challenge data from said another information processing apparatus [column 9, lines 24-34];

communication unit configured to receive a pre-set program from said information processing apparatus and for transmitting said program in an encrypted form to said information processing apparatus [figure 3, units 86, 87 and column 9, 49-55];

encrypting unit configured to encrypt said program received by said communication means [column 9, lines 49-55]; and

key creation unit configured to establish a common key shared with said another information processing apparatus based on the challenge data [column 10, lines 7-15 and 47-67].

Tatebayashi is silent on receiving means for receiving a key category from another information processing apparatus. However, such feature is old and well known in the art, which has the advantage of allowing flexible use of multiple functions for authentication purposes thereby enhancing the security of the system. For example within the same field of endeavor Tatebayashi\_618 teaches a reciprocal device authentication system including receiving means for receiving a key category (i.e., verification function numbers l & k) from another information processing apparatus and key creation and authentication means based on the key category [column 10, lines 50-65, column 13, line 54 – column 14, line 54]. One of ordinary skill in the art would have been able to substitute the key category of Tatebayashi\_618 with the challenge data of Tatebayashi in order to further enhance the security of the system. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the

teachings of Tatebayashi\_618 within the system of Tatebayashi in order to further enhance the security of the system.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

November 26, 2005



Kim Y. Vu  
PATENT EXAMINER  
11/26/2005